

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

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In the Matter of)	
)	
Amendment of Parts 2 and 90 of)	
the Commission's Rules to Provide)	PR Docket No. 89-553
for the Use of 200 Channels)	
Outside the Designated Filing)	
Areas in the 896-901 MHz and)	
the 935-940 MHz Bands Allotted)	
to the Specialized Mobile Radio)	
Pool)	
)	
Implementation of Section 309(j))	
of the Communications Act -)	PP Docket No. 93-253
Competitive Bidding)	
)	
Implementation of Sections 3(n))	GN Docket No. 93-252
and 322 of the Communications Act)	

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To: The Commission

**COMMENTS OF THE
SOUTHERN CALIFORNIA EDISON COMPANY**

Southern California Edison Company ("SCE"), by its attorneys and pursuant to Section 1.415 of the rules and regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby submits these Comments in response to the Commission's Second Further Notice of Proposed Rule Making ("Second FNPRM") released in the above-captioned proceeding on April 17, 1995.^{1/}

^{1/} Second Report and Order and Second Further Notice of Proposed Rule Making, 60 Fed. Reg. 22,023 (May 4, 1995).

PRELIMINARY STATEMENT

1. SCE is the second largest electric utility in the nation. Its service area stretches from Los Angeles, California east to the Arizona border, and north to the Mono Lake region. Within this 50,000 square-mile expanse, SCE serves over four million residences, schools, hospitals, businesses, and government facilities. In total, SCE provides electricity to approximately nine million people, or almost one in every 29 persons in the United States.

2. To ensure its essential service is provided safely and efficiently to all of its customers, SCE maintains a large, complex, internal telecommunications network. SCE extensively employs private wire and fiber lines, the public switched telephone network, microwave facilities, and, of course, land mobile radio. While each of the telecommunications elements is critical, SCE's land mobile network is perhaps most important in enabling SCE to meet its enormous public safety and public service obligations. Land mobile communications are indispensable to customer service and to the maintenance, repair and emergency preparedness activities associated with SCE's distribution system, its generating plants and its major transmission lines.

3. In its capacity as a land mobile radio licensee, SCE is authorized for three 10-channel blocks of 900 MHz Specialized Mobile Radio ("SMR") channels pursuant to waivers granted by the FCC in 1991. Because of the dearth of any spectrum upon which to construct a state-of-the-art land mobile system in the Los Angeles Basin, SCE was compelled to purchase the three constructed 900 MHz SMR systems which the Commission since has permitted by waiver to be converted from the SMR category to the Industrial/Land Transportation category. SCE also has received extended implementation authority to effectuate the build-out of its 900 MHz system. The Commission has specifically stated that the SCE system will be protected in the same manner as SMR systems, so that for purposes of the instant proceeding, SCE's 30-channel system is considered to be a 900 MHz SMR "incumbent" system.

4. SCE provides coverage across the utility's entire 50,000 square-mile service territory by means of the 900 MHz network. In order to serve approximately 5,600 mobile units, SCE has designed a wide-area system where its channels are used and re-used at some 58 locations throughout the service area. Many of those locations are outside of the Los Angeles Designated Filing Area ("DFA"), and therefore this proceeding is of vital importance to SCE.

5. Indeed, SCE has participated actively in this longstanding Commission proceeding. SCE filed Comments and Reply Comments in this docket on April 23, 1993 and May 10, 1993, respectively. In those pleadings, SCE emphasized that its channels continue to be protected under SMR category regulations and that, consequently, SCE is vitally interested in the expansion of licensing of 900 MHz channels beyond the DFAs. Indeed, SCE supported the proposal to permit existing licensees of 900 MHz systems to expand into larger regions, which would be defined on the basis of the Rand McNally Major Trading Areas ("MTAs").

6. SCE has invested substantial time and capital in developing its 900 MHz system -- once completed, the system will be one of the largest, most sophisticated, private land mobile radio networks in the country. Given SCE's investment and its continued regulation under the SMR rules, and in light of its status as a 900 MHz SMR incumbent, the company has a serious interest in this proceeding. Accordingly, SCE is pleased to submit the following Comments concerning the Commission's auction methodology for licenses in this band. SCE's primary objective is to make any potential bidders for the Los Angeles MTA block licenses clearly aware that SCE, as well as other licensees, are the incumbent licensees of blocks in the MTA and are entitled to

the full incumbent protections afforded in the rules developed in the Second Report and Order portion of this proceeding.^{2/}

7. Therefore, the Report and Order promulgated as a result of the instant notice and comment proceeding must develop clear auction rules and provide information to potential bidders that makes them fully aware of the status of incumbent licensees. This need for specific information holds particularly true for the nine DFAs, such as the Los Angeles DFA, where all 20 channel blocks already are licensed on a DFA basis and where secondary sites have now been accorded primary status.

COMMENTS

8. SCE notes with approval that the rules promulgated in the Second Report and Order ("Second R&O") portion of this proceeding provide incumbent licensees, such as SCE, with considerable protection from potential co-channel users who may acquire an MTA license through the auction process. These protections include: (1) operation of the co-channel separation criteria set forth in Section 90.621(b) of the

^{2/} Second Report and Order, 60 Fed. Reg. 21,987 (May 4, 1995).

rules; (2) affording primary site protection to secondary sites granted after August 9, 1994, provided that the underlying application for the licensed facilities was filed on or before that date; and (3) requiring MTA licensees to satisfy coverage requirements regardless of the percentage of the MTA population served by incumbent licensees.

9. Protection of incumbent licensees solely by rule may not be sufficient, however. SCE urges that the Commission take every practical step to provide potential 900 MHz MTA bidders with the broadest possible information concerning incumbent licensees. In this manner, overly-enthusiastic bidders who may be prone to look first at the ranking and name of an MTA rather than at the number and location of incumbent licensees can be deterred from bidding large sums of money on MTA blocks for which they may never be able to satisfy construction and coverage requirements. SCE is concerned that these misinformed "winning" bidders, frustrated at their inability to build facilities and maintain their licenses, may commence lobbying the Commission to reduce the MTA population coverage requirements or weaken the protections for incumbent licensees. In light of the large sums of money paid at auction, SCE fears that the Commission may then feel obliged

to give such pleadings for relief far more attention than they deserve.

10. The Second FNPRM states that the "bidders package" would include information about available spectrum on each channel block within each MTA.^{3/} SCE urges that the Bidders Information Package provide potential bidding applicants for the 900 MHz MTAs with additional information about the incumbent licensees on each block so that the potential bidder can make an educated determination of its probability of ever being able to comply with the Commission's population coverage requirements. Through the Bidders Information Package, potential bidders should be warned that, if they are the winning bidder and licensee, they must meet coverage requirements regardless of the percentage of the MTA population served by incumbent licensees. SCE submits that, particularly with respect to the nine markets where all twenty 10-channel blocks are already licensed inside the Designated Filing Area (DFA), that any non-incumbent MTA auction winner will find it essentially impossible to meet its population coverage requirements, since, by the Commission's own design, the vast majority of the MTA's population is located inside the DFA.

^{3/} Second FNPRM at ¶ 75.

vast majority of the MTA's population is located inside the DFA.

11. SCE therefore suggests that information concerning incumbents provided inside the Bidders Information Package include licensee name, frequencies, block numbers, geographic coordinates for each site, and a narrative site description (address, city, county, state). Specific site names or mountain names should be included where these are commonly used in the industry. Further, the Bidders Information Package should include a narrative description of the protection criteria that must be afforded incumbent licensees. Of vital interest to SCE, this information would include a copy of the Southern California High Sites 105-mile protection rule (paragraph (b)(1) of Rule 90.621). With respect to the San Francisco and Seattle MTAs, the Commission ought to include a copy of the Northern California High Site "knock-out Table" and the Seattle High Sites 105-mile protection Table, respectively. Provided with this incumbent and site protection information, potential bidders will be forewarned against attempting to place high bids for blocks encumbered by incumbent licensees, and bidders will recognize the futility of their attempting to comply with population coverage requirements without the incumbent's cooperation.

12. Finally, the Commission must clarify which population study it will employ to calculate the population of each MTA for purposes of calculating the upfront payment for each 900 MHz MTA block in the auction. The Commission must specify, in the Report and Order stemming from this proceeding, the population study standard it will be using. If the Rand McNally Commercial Atlas and Marketing Guide is used, the specific edition and population table should be stated.

CONCLUSION

13. SCE, as the nation's second largest electric utility, has an enormous responsibility to the population of Southern California. It requires efficient communications with a fleet of nearly 5,600 vehicles over a territory of 50,000 square miles. As an incumbent licensee on three blocks in the 900 MHz SMR band, SCE urges that the Commission provide information to potential bidders that

fully describes the extent of SCE's and others' incumbent operations. Thus, potential bidders will have the maximum amount of information to judge whether they wish to bid on these particular frequency blocks.

Respectfully submitted,

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